

## **MEMORANDUM**

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: March 17, 2003

SUBJECT: Report to Commissioners and Staff Recommendations Regarding Complaint Against Concerned Citizens for Better Government (a political committee) and Joseph Coomer

On November 8, 2002, PDC Executive Director Vicki Rippie filed a formal complaint against Concerned Citizens for Better Government (CCBG) and Joseph Coomer to determine whether they:

1. Properly reported as a continuing political committee in accordance with RCW 42.17.065; and
2. Properly reported committee contribution and expenditure information in accordance with RCW 42.17.080 and 42.17.090 during 2001 and 2002.

### **Background**

CCBG filed a Committee Registration Statement (PDC Form C-1pc) on April 17, 1998, registering as a Political Action Committee (PAC) with the Public Disclosure Commission (PDC). The C-1pc listed Joseph Coomer as the committee's campaign manager, treasurer and sole principal officer. No additional C-1pc reports have been submitted by CCBG. Since 1998, CCBG has opposed a number of local ballot propositions and supported or opposed a number of candidates for office.

On October 21, 1999, Meg Van Wyk, and on December 12, 1999, Ronald Clark, each filed a complaint with the PDC alleging that CCBG had violated RCW 42.17.080 and RCW 42.17.090.

The complainants alleged that CCBG and Joseph Coomer sponsored political advertising supporting and opposing candidates and ballot propositions, but failed to timely report contribution and expenditure information as required for a political action committee.

An enforcement hearing was held before the full Commission on February 27, 2001. The Commission found that CCBG and Joseph Coomer apparently committed multiple violations of RCW 42.17.080 and RCW 42.17.090 for activities occurring during 1999 and 2000, and referred the case to the Attorney General's Office for further action (Case No. 00-241). Mr. Coomer was a candidate for State Representative in 2000, and a candidate for school director of the Highline School District in 2001. He was not elected to either position.

### **Summary of Findings**

During 2001, Joseph Coomer was the sole officer and decision maker for CCBG. During 2001, CCBG and Joseph Coomer:

1. Failed to timely report \$4,143.72 in expenditures made between March 7 and September 16, 2001 for political advertising sponsored by CCBG in support of or opposition to ballot measures. The expenditures made by CCBG included the following:
  - Five political advertisements sponsored by CCBG that appeared in the Highline Times between March 7 and September 12, 2001;
  - The printing of 4,000 flyers on September 16, 2001, and 300 "Vote no" signs on August 13, 2001, both printed and distributed by CCBG and in opposition to the September 2001 Highline School District Capital Improvements Bond measure.

A 2001 "summary report" was submitted by CCBG on October 3, 2001, covering the period January 1 - October 3, 2001. CCBG only provided expenses. No contribution information was provided. The "summary report" filed by CCBG contained information that should have been reported on PDC forms C-3 and C-4. This information was filed between 23 and 170 days late.

2. Failed to timely report \$3,222.30 in expenditures made between August 15 and October 31, 2001 for political advertising paid for by CCBG that supported or opposed ballot measures and candidates. The expenditures made by CCBG included the following:
  - Five political advertisements that appeared in the Highline Times between August 15 and October 31, 2001, in support of or in opposition to Des Moines City Council candidates and ballot measures; and
  - The printing of 2,000 flyers on October 10, 2001 in support of or opposition to candidates or ballot measures.

An “annual summary report” covering calendar year 2001 was submitted by CCBG on January 29, 2003. The report included \$3,222.30 in new expenditure information that was filed between 415 and 518 days late.

3. Failed to timely report \$7,366.02 in contributions received. No contributions were reported on the October 3, 2001 “summary report”.
  - Of the \$7,366.02 in total contributions received by CCBG for 2001, Mr. Coomer contributed \$7,321.02 from his personal funds.
  - CCBG reported the \$7,321.02 in funds contributed by Mr. Coomer as a lump sum amount in the “annual summary report.” The report did not disclose bank deposit information, the date contributions were received, or whether the personal contributions from Mr. Coomer were monetary or in-kind contributions.

The contribution information for 2001 was included on the “annual summary report” submitted by CCBG on January 29, 2003, and was filed between 415 and 659 days late.

4. Failed to identify payments and candidates featured in political advertisements paid for by CCBG. The expenditures by CCBG included the following:
  - An October 17, 2001, political advertisement that appeared in the Highline Times, sponsored by CCBG at a cost of \$1,272. The advertisement supported Des Moines City Council candidates

Richard Benjamin, Gary Peterson, Maggie Steenrod, and Mike Foote; and

- An October 31, 2001, political advertisement that appeared in the Highline Times, sponsored by CCBG at a cost of \$572.40. The advertisement also supported Des Moines City Council candidates Richard Benjamin, Gary Peterson, Maggie Steenrod, and Mike Foote.

No in-kind contributions were reported as being made by CCBG or as being received by the candidates featured in the advertisements. In addition, the “summary report” and the advertisements themselves did not indicate that they were independent expenditures.

During 2002, Joseph Coomer was the sole officer and decision maker for the CCBG. During 2002, CCBG and Joseph Coomer:

Failed to report a political advertisement paid for by the CCBG that was in opposition to the March 12, 2002, Highline School District Capital Improvement Bond election. The flyer was critical of the operations of the Highline School District on a number of issues, and concluded by urging a “No Vote” on the ballot measure.

- During a telephone conversation with Joseph Coomer on February 5, 2003, Mr. Coomer confirmed that he had printed the flyer in opposition to the March 12, 2002, Highline School District Capital Improvement Bond election.
- The political advertisement or flyer was distributed via leafleting in the Burien area.
- Mr. Coomer stated that he had no documentation and did not recall how many flyers were printed, what company printed the flyers, how much it cost to print the flyers, whether he used cash or check to pay for the flyers, or how many days he spent distributing the flyers.
- No details of the 2002 expenditures have been reported.

## **Staff Recommendations**

During 2001 and 2002:

- CCBG filed partial information for the period January 1 - October 3, 2001 in an “annual summary report” showing \$4,143.72 in expenditures. The report failed to include contributor information that should have been reported on PDC forms C-3 and C-4. The expenditure information was filed between 23 and 170 days late.
- CCBG filed an “annual summary report” covering all of calendar year 2001. The report included \$3,222.30 in new expenditures and disclosed \$7,366.02 in total contributions received by CCBG during 2001. All but two of the contributions were from Mr. Coomer, but CCBG did not submit the required contributor information for Mr. Coomer’s contributions. The report was filed between 415 and 518 days late.
- CCBG paid for and sponsored a political advertisement in opposition to the March 12, 2002, Highline School District Capital Improvement Bond election. CCBG and Mr. Coomer have failed to report this activity.

Staff urges the Commission to find that CCBG and Mr. Coomer have apparently committed multiple violations of the following sections of law:

- RCW 42.17.065 by failing to timely file, as a continuing political committee, reports of contribution and expenditure activities undertaken during 2001 and 2002;
- RCW 42.17.080 and 42.17.090 by failing to timely report contribution and expenditure information for activities undertaken in support of or opposition to candidates and ballot propositions.

Staff urges the Commission to refer this matter to the Attorney General’s Office because of the insufficient penalty authority granted to the Commission. If this matter is referred to the Attorney General’s Office, staff recommends that this case be combined with Case No. 00-241, which is already at the Attorney General’s Office, for further action.